

SENATE BILL NO. 393

INTRODUCED BY K. GILLAN

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A COURT TO ORDER MEDIATION IN A MARRIAGE
 5 DISSOLUTION IN WHICH ~~CUSTODY~~ PARENTING OF MINOR CHILDREN IS DISPUTED AND THE PARTIES
 6 CANNOT AGREE ON THE TERMS OF ~~CUSTODY~~ PARENTING; AND AMENDING SECTION 40-4-301, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 40-4-301, MCA, is amended to read:

11 **"40-4-301. Family law mediation -- exception.** (1) The district court may at any time consider the
 12 advisability of requiring the parties to a proceeding under this chapter to participate in the mediation of the case.
 13 Any party may request the court to order mediation. If the parties agree to mediation, the court may require the
 14 attendance of the parties or the representatives of the parties with authority to settle the case at the mediation
 15 sessions.

16 ~~(2) If the parties to a proceeding pursuant to this chapter WHO ARE PARENTS OF A MINOR CHILD are unable~~
 17 ~~to agree on the terms for the dissolution of their marriage regarding custody of minor children~~ PARENTING OF A THE
 18 MINOR CHILD, the court shall require mediation OF THE PARENTING DISPUTE, unless the court finds that the case is
 19 not appropriate for mediation.:

20 ~~(A) THAT PARTICIPATION IN PARENTING MEDIATION WOULD RESULT IN THE IMPOSITION OF A COST TO A PARTY~~
 21 ~~WHOSE FILING OR APPEARANCE FEES HAVE BEEN WAIVED PURSUANT TO 25-10-404;~~

22 ~~— (B) THAT REQUIRING PARENTING MEDIATION WOULD CONSTITUTE A FINANCIAL HARDSHIP TO EITHER PARTY;~~

23 ~~(C) THAT THERE IS NO FACILITATIVE MEDIATOR WITH THE QUALIFICATIONS STATED IN 40-4-307 IN THE COUNTY~~
 24 ~~IN WHICH EITHER PARTY RESIDES;~~

25 ~~(D) THAT THE PARTIES HAVE PREVIOUSLY PARTICIPATED IN MEDIATION OF THE PARENTING DISPUTE; OR~~

26 ~~(E) THAT THE REQUIRED PARENTING MEDIATION IS PROHIBITED BY SUBSECTION (5).~~

27 (3) The purposes of MANDATORY PARENTING mediation may include:

28 (a) reducing acrimony between the parties over the custody of or visitation with PARENTING OF a minor
 29 child;

30 (b) the development of a visitation agreement PARENTING PLAN that is in a child's best interests;

